IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION.

WRIT PETITION NO.7915 OF 2004

Shri Ramchandra Bala Patil,

... .. Petitioner.

Vs

1. Sau Sushilabai Hanmantrao

Jadhav and ors. .. Respondents

Mr N.J.Patil, for the petitioner.

Mr S.S.Deshpande, for respondent no.1.

CORAM : D.B.BHOSALE,J.

DATE : 29th September, 2004.

PC:

1. Heard the learned counsel for the parties.

2. Rule. Rule returnable forthwith. Mr.Deshpande, learned counsel, waives service for respondent no.1. By consent, rule is heard forthwith.

3. The petitioner has impugned the order dated 9.8.2004 passed by the learned Ad-hoc Addl. District Judge, Sangli in Misc. Civil Appeal No.200 of 2000 by which the petitioner's application seeking condonation of delay in filing the civil appeal against the judgment and decree dated 11.8.2000 in R.C.S.No.268 of 1996 has been rejected. Admittedly, there was a delay of three days in filing the appeal.

4. Having considered the order impugned in the petition

and the other material placed before me and the submissions of the learned counsel appearing for the parties, I am satisfied that the sufficient cause has been shown to condone the delay of three days in filing the appeal. I, therefore, pass the following order.

(i) The appeal is allowed. The impugned order is quashed and set aside. The delay stands condoned subject to deposit of cost of Rs.500/- by the petitioner. The cost of Rs.500/- be paid to the respondent.

(ii) The appeal be registered and decided on merits expeditiously.

(D.B.BHOSALE, J.)